

STATE  
PROPERTY

CODE  
OF  
VIRGINIA

1950

7A

Titles  
51-54  
—  
Pensions  
to  
Professions

1982  
Replacement  
Volume

# CODE OF VIRGINIA 1950

With Provision for Subsequent Pocket Parts

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## ANNOTATED

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## VOLUME 7A

1982 REPLACEMENT VOLUME

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CHARLOTTESVILLE, VIRGINIA

§ 53.1-233

CODE OF VIRGINIA

§ 53.1-236

**Law Review.** — For article, "Psychiatry and the Death Penalty: Emerging Problems in Virginia," see 66 Va. L. Rev. 167 (1980).

**§ 53.1-233. Death chamber; who to execute death sentence.** — The Director is hereby authorized and directed to provide and maintain a permanent death chamber within the confines of the state correctional facility in Richmond known as the Penitentiary. The death chamber shall have all the necessary appliances for the proper execution of prisoners by electrocution. In the death chamber shall be executed all prisoners upon whom the death penalty has been imposed. Each execution shall be conducted by the Director or one or more assistants designated by him. (Code 1950, §§ 19-275, 19-302, 53-317; 1960, c. 366; 1972, c. 145; 1978, c. 667; 1982, c. 636.)

Death by electrocution is not a punishment. *Martin v. Commonwealth*, 221 Va. 436, 271 S.E.2d 123 (1980).

**§ 53.1-234. Transfer of prisoner; how death sentence executed; who to be present.** — The clerk of the circuit court in which is pronounced the sentence of death against any person shall, after such judgment becomes final in the circuit court, deliver a certified copy thereof to the Director. Such person so sentenced to death shall be confined prior to the execution of the sentence in a state correctional facility designated by the Director. Not less than fifteen days before the time fixed in the judgment of the court for the execution of the sentence, the Director shall cause to be conveyed to the Penitentiary in Richmond the condemned prisoner.

The Director, or the assistants appointed by him, shall at the time named in the sentence cause the prisoner under sentence of death to be electrocuted until he is dead unless a suspension of execution be ordered. At the execution there shall be present the Director or an assistant, a physician employed by the Department or his assistant, such other employees of the Department as may be required by the Director and, in addition thereto, at least six citizens who shall not be employees of the Department. In addition, the counsel for the prisoner and a clergyman may be present. (Code 1950, §§ 19-276, 19.1-303, 53-318; 1960, c. 366; 1972, c. 145; 1978, c. 667; 1982, c. 636.)

Death by electrocution is not a punishment. *Martin v. Commonwealth*, 221 Va. 436, 271 S.E.2d 123 (1980).

**§ 53.1-235. Certificate of execution of death sentence.** — After execution of the death sentence as provided in this chapter, the physician in attendance shall perform an examination to determine that death has occurred. The Director shall certify the fact of the execution, appending the physician's death certificate thereto, to the clerk of the court by which such sentence was pronounced. The clerk shall file the certificate with the papers of the case and shall enter the same upon the records of the case. (Code 1950, § 53-319.1; 1978, c. 451; 1982, c. 636.)

**§ 53.1-236. Disposition of remains.** — Upon application of the relatives of the person executed, the remains after execution shall be returned to their address and at their cost. If no such application is made within three days of the date of execution, the provisions of § 32.1-298 shall apply. (Code 1950, §§ 19-281, 19.1-307, 53-323; 1960, c. 366; 1972, c. 145; 1978, c. 614; 1982, c. 636.)